

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2020-0242-ETHICS-A**

IN THE MATTER OF

CEDRIC BRADFORD GLOVER

*** AGENCY TRACKING NO. 5120-014**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Cedric Bradford Glover knowingly failed to file a 30-P campaign finance disclosure report in connection with his 2019 candidacy for the office of State Representative - District 4. The Louisiana Board of Ethics' determination that Cedric Bradford Glover failed to file a 30-P campaign finance disclosure report by the sixth day after it was due is **affirmed**. The Louisiana Board of Ethics may impose upon Cedric Bradford Glover an additional civil penalty of up to \$10,000, as allowed by La. R.S. 18:1505.4(A)(4)(a).

APPEARANCES

The hearing in this matter was conducted August 20, 2020, in Baton Rouge before the Ethics Adjudicatory Board, Panel A.¹ Attorneys for the Louisiana Board of Ethics, Suzanne Quinlan Mooney and Charles E. Reeves Jr., appeared for the hearing. Though properly noticed,² Cedric Bradford Glover did not appear for the hearing.

¹ The original panel consisted of administrative law judges A. Brock Avery (presiding), Lance B. Vinson, and William Cleveland. In accordance with La. R.S. 42:1141.2(B) and LAC 1:III.501.C, after the hearing was conducted, the Ethics Adjudicatory Board alternate, Esther Redmann, replaced William Cleveland as one of the administrative law judges on the panel.

² BOE Exhibit 10 (Division of Administrative Law hearing notice dated June 1, 2020).

STATEMENT OF THE CASE

In connection with his 2019 candidacy for the office of State Representative, District 4, the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure (hereafter, “BOE”) issued a *Late Fee Assessment Order* to Respondent, imposing a \$2,000 penalty and ordering him to timely file a 30-P campaign finance disclosure report (30-P report). The BOE then requested a hearing to have the EAB determine whether Respondent failed to file the required 30-P report by the sixth day after it was due, which could subject him to an additional civil penalty of up to \$10,000 as provided by La. R.S. 18:1505.4(A)(4)(a).

Counsel for the BOE offered ten exhibits during the hearing, all of which were admitted into evidence.³ Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with Code of Governmental Ethics, La. R.S. 42:1101, *et. seq.*, the Campaign Financial Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

FINDINGS OF FACT

- 1) Respondent qualified as a candidate for the Office of State Representative, District 4, in the October 12, 2019, primary election.⁴ Respondent was unopposed in the primary election; he was commissioned and took his oath of office on January 13, 2020.⁵

³ All of the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE Exhibit 1 (May 5, 2020, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).

⁴ See BOE Exhibit 2 (Louisiana Secretary of State certificate and Notice of Candidacy), BOE Exhibit 3 (Louisiana Secretary of State Candidate Inquiry).

⁵ BOE Exhibit 4 (Louisiana Secretary of State certificate showing the dates Respondent was elected and

- 2) Respondent was required to file a 30-P report no later than thirty days prior to the October 12, 2019, primary election (i.e., no later than September 12, 2019).⁶
- 3) Respondent did not file the 30-P report by the September 12, 2019, deadline.⁷
- 4) On December 30, 2019, the BOE issued a “Late fee assessment for the October 12, 2019 Election” (*Late Fee Assessment Order*) to Respondent that (a) assessed late fee of \$2,000 and (b) ordered Respondent to file a 30-P report.⁸
- 5) The BOE served Respondent with a copy of the *Late Fee Assessment Order* by certified mail, return receipt requested, and Respondent signed the return receipt card on January 3, 2020.⁹ Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that he could be subject to “an additional \$10,000 penalty” if he failed to both pay the \$2,000 “late fee” and file the 30-P report.¹⁰
- 6) The BOE served Respondent with a copy of the *Request for Hearing* by certified mail, return receipt requested, and Respondent signed the return receipt card on January 14, 2020.¹¹
- 7) Despite notice of the hearing and notice of the *Late Fee Assessment Order* being sent to

commissioned as State Representative, District 4).

⁶ This report filing requirement is found in La. R.S. 18:1495.4(B)(3). Counsel for BOE claimed that candidates receive a *Schedule of Reporting and Filing Dates for Candidates & PACs Supporting or Opposing Candidates* (*Reporting Schedule*) when they qualify for an election, and that the *Reporting Schedule* lists the required reports by type, periods covered, due dates, and by whom the reports must be filed. However, the statement of counsel and inclusion of a sample schedule in its exhibits (BOE Exhibit 5) do not support a factual finding that Respondent actually received a copy of the *Reporting Schedule* when he qualified as a candidate in the October 12, 2019, primary election.

⁷ BOE Exhibit 8 (May 5, 2020, affidavit of Angela Newsom, Director of Campaign Finance for the BOE). As of April 30, 2020, Respondent had still not filed a 30-P report for the October 12, 2019, primary election. *Id.* As of the date of the hearing, there was nothing in the record showing that Respondent had filed the 30-P report and/or paid the assessed late fee.

⁸ BOE Exhibit 7 (*Late Fee Assessment Order*).

⁹ *Id.*

¹⁰ *Id.*

¹¹ See BOE Exhibit 6 (*Request for Hearing*).

his last known address, Respondent failed to appear for the hearing or respond to the late fee assessment.¹²

CONCLUSIONS OF LAW

Respondent knowingly failed to file a 30-P campaign finance disclosure report by the sixth day after the report was due, and the BOE may impose upon Respondent an additional civil penalty as allowed by La. R.S. 18:1505.4(A)(4)(a).

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to file a required campaign finance disclosure report (or filed it more than six or eleven days late).¹³ A rebuttable presumption of intent not to file reports exists when a candidate fails to submit any required report within three days after the final date for its filing.¹⁴

Underlying “Late Fee” (Civil Penalty) Assessment

Respondent was a successful candidate for the Office of State Representative - District 4, which is a “district” level office.¹⁵ Every candidate for district office (or his campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.¹⁶ The 30-P is one such report.¹⁷ Respondent was required to file his 30-P report no later than thirty days prior to the primary election, i.e., no later than September 12, 2019.¹⁸ Respondent did not file a 30-P report for the October 12, 2019, primary election by the

¹² See BOE Exhibits 7, 9, and 10.

¹³ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹⁴ La. R.S. 18:1505.1(A).

¹⁵ La. R.S. 18:1483(7) (defining “District office” as including “(a) The office of a member of the Louisiana Legislature.”).

¹⁶ See La. R.S. 18:1495.4.

¹⁷ La. R.S. 18:1495.4(B)(3).

¹⁸ *Id.*

September 12, 2019, deadline. Any candidate for district office, who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$60 per day, not to exceed \$2,000.¹⁹ On December 30, 2019, the BOE sent Respondent a *Late Fee Assessment Order* assessing the maximum late fee of \$2,000 for his failure to file the required 30-P report.²⁰

Assessment of Additional Civil Penalty

In addition to the late fee (civil penalty), an additional civil penalty may be imposed for a candidate's continued failure to file a required campaign finance disclosure report.²¹ Prior to imposition of any additional civil penalty, the EAB must conduct an adjudicatory hearing in accordance with the Code of Governmental Ethics.²² For campaign finance disclosure reports required to be filed between the time a candidate qualifies and election day, such as a 30-P report,²³ an additional civil penalty not to exceed \$10,000 may be imposed if the EAB determines that the candidate failed to file the report by the sixth day it is due.²⁴

Respondent was required to file a 30-P report by September 12, 2019. The BOE submitted an affidavit from Angela Newsom, the BOE's Director of Campaign Finance for the BOE, certifying that Respondent had not filed a 30-P report as of April 30, 2020. Respondent did not appear at the hearing to submit evidence that he actually filed the 30-P report by the sixth day after it was due, and there is no evidence to rebut the statutory presumption that he intended not to file the report. The BOE proved that Respondent knowingly failed to file a 30-

¹⁹ La. R.S. 18:1505.4(A)(2)(a)(ii).

²⁰ The *Late Fee Assessment Order* was not appealed by Respondent and is not before the EAB in this matter. See BOE Exhibit 7 and La. R.S. 18:1511.4.1(C) (providing individuals a right to appeal a final order for the payment of civil penalties).

²¹ See La. R.S. 18:1505.4(A)(4).

²² La. R.S. 18:1505.4(A)(4); La. R.S. 42:1101, *et. seq.*

²³ See La. R.S. 18:1495.4(B) and BOE Exhibit 5.

²⁴ La. R.S. 18:1505.4(A)(4)(a). For certain campaign finance disclosure reports not at issue herein, an additional civil penalty can be assessed only if the BOE proves they were not filed within 11 days of the due date. La. R.S. 18:1505.4(A)(4)(b).


P report by September 18, 2019, the sixth day after it was due.²⁵ For this reason, the BOE is authorized to impose an additional civil penalty not to exceed \$10,000.


ORDER


IT IS ORDERED that the Louisiana Board of Ethics' determination that Cedric Bradford Glover failed to file his 30-P campaign finance disclosure report by the sixth day after it was due is **AFFIRMED**.

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose upon Cedric Bradford Glover, in accordance with La. R.S. 18:1505.4(A)(4)(a), an additional civil penalty not to exceed \$10,000.

Rendered and signed on November 11, 2020, in Baton Rouge, Louisiana.


A. Brock Avery
Presiding Administrative Law Judge


Lance B. Vinson
Administrative Law Judge


Esther Redmann
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, December 01, 2020, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

²⁵ The 30-P report was due September 12, 2019; the sixth day after September 12, 2019, was September 18, 2019.

REVIEW RIGHTS

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statute 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:

EABprocessing@adminlaw.state.la.us

FAX documents to:

**EAB Section Deputy Clerk
(225) 219-9820**

MAIL documents to:

**DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.